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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

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CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

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Beneplace, Inc.

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CAUSE NO. A- 1:15-cv -CA- 065 -LY

Pitney Bowes Inc., et. al.

SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following scheduling order.

IT IS ORDERED THAT:

1. The parties shall file all amended or supplemental pleadings and shall join additional parties on or before January 15, 2016.

2. All parties asserting claims for relief shall file and serve on all other parties their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before May 6, 2016. Parties resisting claims for relief shall file and serve on all other parties their designations of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before June 3, 2016.

All designations of rebuttal experts shall be filed and served on all other parties not later than 14

days of receipt of the report of the opposing expert, and the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be served, but not filed, on all other parties not later than 14 days of receipt of the report of the opposing expert.

3. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before October 2, 2015, and each opposing party shall respond, in writing, on or before October 16, 2015. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.

4. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before November 6, 2015.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, not later than 14 days of receipt of the written report of the expert's proposed testimony or not later than 14 days of the expert's deposition, if a deposition is taken, whichever is later. **The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.**

6. The parties shall complete discovery on or before June 24, 2016. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no

intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed and served on all other parties on or before July 29, 2016 and shall be limited to 20 pages. Responses shall be filed and served on all other parties not later than 14 days of the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 14 days of the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion.

**The parties shall not complete the following paragraph 8. It will be completed by the Court at the initial pretrial conference to be scheduled by the Court.**

8. This case is set for final pretrial conference, in chambers, on the 16th day of December, 2016, at 9:00am and June trial in the month of January, 2017. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

SIGNED this 19th day of June, 2015.

  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE

AGREED:

Timothy J. Herman

\_\_\_\_\_  
Typed or Printed Name

Gregory J. Casas, Jonathan Neerman

\_\_\_\_\_  
Typed or Printed Name

/s/ Timothy J. Herman

\_\_\_\_\_  
Signature

/s/Gregory J. Casas; /s/Jonathan Neerman

\_\_\_\_\_  
Signature

ATTORNEY FOR PLAINTIFF(S)

ATTORNEY FOR DEFENDANT(S)

**Please call Janie Ney Jones if you have questions: (512) 916-5896 Ext. 8709**